

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

Enclosed herewith are corrected drawings that overcome all the objections to the drawing.

The objection to the drawing is in part incorrect, in that the references to elements 2a and MM in the original disclosure, which were not shown in the drawing, were eliminated in the Substitute Specification. Reference b, which was in the drawing but not in the description, is herewith eliminated from the drawing in the attached replacement sheet.

The rejection based on 203/0204242 (now US 7,131,991) of Zarins is based both on a misreading of this reference and on a mistaken understanding of how important small differences in structure are in this highly developed field.

More particularly, in Zarins the tubular prostheses, installed remotely via for example the femoral artery is well known as admitted in this case. In fact FIGS. 1A and 1b of Zarins show a standard bifurcated stent of the prior, making it clear that this basic construction is well known in the art.

Zarins further discloses an endoluminal prosthetic assembly including a trunk with first and second elongated branches defining a bifurcated body lumen or passage for central flow or discharge. This assembly also has a bifurcated extension cuff branch lumen and an access port formed in it. While a portion of the cuff lumen is inside the body lumen, the cuff branch is itself inside one of the elongated branches. The extension cuff of Zarins may be formed with at least one aperture.

In addition in Zarins there is an optional crown portion with openings for passing liquid.

Furthermore Zarins has a straight main portion 55 and two lower bifurcated branches that both may carry the same stream or fluid load, since there is no specific restriction mentioned. In fact in Zarins the stent has been designed so that the two bifurcated branches extend downward since this stent is intended to relieve an aneurism and both branches are designed to be inserted into the two iliac arteries. Thus it is logical to assume that the blood flow is the same in both of Zarins's lower branches.

The current invention as defined in the claims is structurally and functionally different. To wit:

1. It is designed to be bent or set back spatially, and never in fact extend along a straight line. The curved XX axis is claimed and is anatomically necessary for the claimed function. Nothing like it is seen in Zarins.

2. The main tubular body or lumen 1 is extended as the main branch 6 along its curved axis with the angular offset being the claimed 35° to 45°. Again this claimed curve is not seen in Zarins.

3. Here the cross sections of the body 1 up to the form 8 form which the short branch 7 extends is constant, the cross sections of the lower part being circular and those of the upper part being elliptical or oval, again as claimed. The branch 6 forms a continuation of the body 1 so that it receives an impeded flow and is of reduced cross section while the branch 7 that it presents an obstruction at 8 that diverts the flow intentionally. This short branch 7 also acts as a stent anchor.

4. As a result of the different cross sections, which are claimed, the rates of flow through the branches 6 and 7 are different. It is unnecessary to go into this in detail here because the specification explains the purpose behind this feature in detail and it should be well understood by those knowledgeable about cardiac prostheses.

5. As claimed, the structure of the instant invention is oriented upright, with the two branches pointing generally upward. This is opposite to the system of Zarins.

In general, the significant, if small, structural differences between the device of this invention and that of Zarins is due largely to the fact that the Zarins device is aimed at correcting an aneurism while that of this invention is intended to

correct flow into the two cavopulmonary arteries in a neonate with a univentricular heart, a so-called "blue baby." It is impossible to use the Zarins system for the problem solved by the device of this invention.

Hence the instant invention is clearly novel and the claims distinguish over the Zarins disclosure under both §102 and §103. Allowance of all claims and passage to issue are in order.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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